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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
October 9, 2007**

Present: Commissioners Lythgoe, Notbohm and Weber; Mike Ruppert, Boyd Andrew; Duane Harp, Helena National Forest; Larry Bloxom and Brent Farrell, Clancy VFD; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Charlene Hall, North Jefferson Spay/Neuter; Ann Lucas, Selina Memorial Animal Rescue; Bill Gruber

MINUTES

Commissioner Weber moved to approve the minutes of September 18. Commissioner Lythgoe seconded. The motion carried.

REPORTS

Receipt of the September cash report from the Treasurer's office.

Receipt of the September expense and revenue reports from the Clerk and Recorder's office.

CALENDAR REVIEW

10/11 Tri-Co Fire – Helena – 9:00

COMMISSION REPORTS

Commissioner Lythgoe reported that he attended a meeting with Clark Creek Estates residents to discuss formation of a RID. Costs were presented for chip seal and pavement options. Chip seal, including maintenance was around \$1,000, and pavement was right at \$1,500. Since then, he have gotten a call from a person that lives in the subdivision who claims that they are being railroaded by Mr. Hammill, and have over 50% of the residents who will oppose this. They will be sending a letter to that effect, so we don't waste their time and our money.

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Commissioner Lythgoe reported that he and County Treasurer Patty O'Neill met with Steve Huntington of the Department of Revenue on Thursday.

ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Commissioner Notbohm stated that he had a document that was sent to his home regarding Judge Tucker's ruling regarding the appraisal. Commissioner Weber stated that this is Commissioner Notbohm's personal copy. Matt Johnson is handling the County's portion and we have a copy in our office.

Commissioner Weber stated that a claim came in after claims had been done that morning. Steve Marquis has presented a claim for two Crown Victorias for the sheriff's office.

Commissioner Lythgoe stated that he did some research regarding the appropriateness of using metal mines money for a water-sewer district study in the north end. He spoke with Tom Harrington and Carol Ferguson regarding this, and both feel that this is very much an appropriate use of the monies. This is infrastructure that would affect the economy of the entire north end, both residential and business. She cited an example that happened in Terry, Montana. There was a fairly substantial business that was going to locate there, but ultimately pulled out because there was no central water and sewer. Ms. Ferguson also stated that it is ultimately up to the Commission to decide.

CORRESPONDENCE

WIC CONTRACT

The annual WIC contract with Broadwater County was presented. Commissioner Weber moved to have Commissioner Lythgoe sign the WIC contract for services with Broadwater County. Commissioner Lythgoe seconded. The motion carried.

CONTRACT WITH HELENA SNOWDRIFTERS

Commissioner Weber stated that a contract has been received from the Helena Snowdrifters. They are proposing a one, two or five-year term, to be decided by the Commission. Commissioner Lythgoe stated that this has been reviewed by the County Attorney. We have been doing this for several years. Commissioner Weber moved to enter into the lease for a five-year period. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

MIKE RUPPERT – BOYD ANDREW – PROGRAM UPDATE

Mike Ruppert, CEO of Boyd Andrew, stated that there was a change of personnel, so the quarterly reports haven't been getting sent out. The chemical dependency treatment staff comes out to Boulder and Whitehall on Thursdays. They are averaging 1 to 4 ACT admissions per month, and 0 to 3 evaluations per month. He has been told that we have had 30 chemical dependency clients down here so far this calendar year. Also, he has just recently heard that

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staff is feeling a bit overwhelmed with the amount of clients versus amount of time here in Boulder. This is something that he will be looking into, to make sure that people are getting the services they need.

The Elkhorn Treatment Center currently has 41 people. They will take up to 43, to compensate for the times when they had 30. Mike stated that he will be submitting a proposal to DPHHS. They have \$2 million per year, new money, that the legislature appropriated for expansion of the chemical dependency system in the state. DPHHS has issued an RFP for a single entity to contract with them for that entire amount of money. They then want that entity to subcontract for residential 8-bed facilities throughout the state. Boyd Andrew is submitting a proposal to be that single entity. One of the 8-bed facilities would be 8 more beds at Elkhorn. He feels very optimistic that they will be successful. Commissioner Weber asked regarding the 8-bed facilities, will they be looking for adding to existing facilities or are they leaning towards developing more new facilities. Mike stated that there will be 8 8-bed facilities, one which will be Elkhorn, another to be added to is Rimrock in Billings. They are different levels of intensity in this program, which he went on to explain. The other six facilities will be new, with a lower level of treatment than Elkhorn and Rimrock. The governor wants at least two of these facilities on or near reservations. Has letters of commitment from seven other entities regarding their proposal. They have letters from Rimrock, the programs in Kalispell, Bozeman, Miles City and Great Falls, as well as the program at Rocky Boy and the mental health center at Billings wanting to establish a center at Hardin. These are technically classified as group homes, so they will not be affected by zoning. Commissioner Lythgoe stated that one reason Mike isn't going to have any competition is because he had all of the buy-in from everyone. Mike stated that the state is anxious to privatize this. They plan to take the Elkhorn model and replicate it.

Commissioner Weber stated that he had a couple comments from local residents. They appreciate that they are no longer broadcasting on the outside speakers so early in the morning, as they had been. They appreciate that the lighting doesn't shine outward but in toward the yard. They feel that the berm should be bigger, and that it is less than what was promised. They also feel that a comment had been made regarding the possibility of cameras in the showers, and are concerned that images of the female residents could possibly make their way to the internet. He assured them that he did not believe that this could happen, but told them that he would bring the concern to this meeting. Mike stated that there are no cameras in the bathrooms, or the bedrooms for that matter. Mike further stated that the berms aren't what they hoped they would be. The problem with a berm is the farther you get away from the berm, the less it covers. When you are right up next to it, it works great, but even looking out the window, they were hoping to block the view of the surrounding facilities and they don't. They are aware of the issue and they are looking at it.

Mike stated that they were on national PBS. They did a program called Meth in Montana. It was great coverage. Commissioner Weber stated that he heard they were going to do Paint the State again. Mike stated that he hasn't heard anything about it. Mike stated that their chemical dependency does two things – treatment and prevention. They are talking about contracting out the prevention portion to RMDC. Commissioner Weber thanked Mike and stated that the Commission appreciates the update.

DISCUSS AND DECIDE ON REQUEST FROM SELINA MEMORIAL ANIMAL RESCUE

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FOR \$2000 FOR SPAY/NEUTER CLINIC

Ann Lucas, president of the Selina Memorial Animal Rescue, stated that she is asking for \$2,000 for the next spay/neuter clinic to be held this weekend. She stated that they saw 145 animals at the clinic they held in June. They currently have 200 animals signed up, but there is no way that they can take that many animals in one day. She also spoke to their rescue operation, and noted that all of those animals are spayed or neutered and given vaccinations before being adopted out. She asked if the Commission has any questions.

Commissioner Notbohm asked when the clinic would be held. Ann stated that it is scheduled for the 14th. Commissioner Weber stated that there was some confusion between the two groups. The Commission had previously dedicated the same amount of money to the Boulder area group. Ann stated that the hope is that next year they would be one group. Commissioner Lythgoe asked if the Town of Boulder or the Town of Whitehall have participated financially. Charlene Hall stated that so far, the Town of Boulder has not been approached for financial support. The community has been great in Boulder, with donations, etc. Ann stated that the town of Whitehall hasn't been very helpful. They have a lot of community individual support however. Charlene stated that next year they would like to join forces and do a four-day clinic at the fairgrounds.

Commissioner Notbohm stated that he assumes they have already collected the necessary funds for this clinic. Ann stated that they are running shy of that. They are supposed to have \$3,000. She has currently paid out \$1,500 in vet bills in August for animals that came through their rescue. In September, so far she has paid out \$500 and she has an outstanding bill coming up for ten animals. She will be a little tight on her funding. In rescue, she still has two dogs and fifteen cats that need spay/neuter and shots. Commissioner Notbohm asked if she has enough for this clinic. Ann stated that she doesn't. Commissioner Notbohm stated that his opinion, seeing that this is pretty much a done deal. They need to discuss this. For this budget season we maybe consider something like this, but in the future deal with on the budget cycle. Commissioner Weber stated that this problem has been growing and will probably become a budgetary issue to the point that we will have to consider an animal shelter and animal control officer. Charlene stated that at this point, they are basically animal control. She gets called in this area and Ann on the south end. They pick up and take care of the animals. Commissioner Weber stated that the sheriff has come to them also. He is paying \$53 per animal that he takes into the Lewis & Clark shelter.

Commissioner Notbohm moved that for this budget cycle, they assist Whitehall with up to the \$800 short-fall that they may have, and next year consider support as a joint effort. Commissioner Weber stated that he didn't mention a funding source. Commissioner Notbohm stated that he hasn't talked to Craig about this. Commissioner Weber stated that he doesn't suggest using his line item again; it didn't go over well the last time. Commissioner Notbohm stated that he mentioned this because Craig has collected the animal control money for the past several years without it going to Lewis & Clark County. Commissioner Weber stated that we no longer have that contract, but he has to pay \$53 for every animal that he takes in, so he has been expending the money. Commissioner Notbohm asked the other Commissioners for input on where they might find the money. Commissioner Weber stated that PILT is the most obvious. Commissioner Notbohm stated that he will reluctantly allow for the use of PILT. The motion died for a lack of a second. Commissioner Weber moved to give the SMAR the full \$2,000 requested to be paid out of PILT. Commissioner Lythgoe seconded. Commissioner Notbohm

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stated that he would be opposed to give the full amount this year because he doesn't think that "me too" should come into play in this instance. The motion carried with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

DISCUSS AND DECIDE ON COUNTY'S RESPONSE TO CLANCY VFD AND SEARCH & RESCUE LETTER REGARDING ROAD CLOSURES

Commissioner Weber stated that he put this on the agenda because he read the letter posted in the *Monitor* and *Courier*. The issue that was raised in the letter had to deal with the health, safety and welfare of the public. Because of that, he felt it appropriate to invite Forest Service and Search and Rescue and Volunteer Fire Department to speak to this issue before us, as it is such a big part of what we are charged with.

Larry Bloxom, Clancy VFD, in response to letter from the Forest Service, he went up and took some pictures of the Rowe Gulch area. The Forest Service letter indicated that it could be normal debris falling on the road due to lack of maintenance. It is obvious to see in the pictures that this is not possible, the way it is stacked up. This will create a big delay if they have to stop and remove the blockage on the way to a fire. He understands that it is permissible to drive on the road in emergency response situation, but in that time period when they are responding, this is going to create a lot of problems. Commissioner Notbohm stated that if you look at roads in the area, there are about 8 roads that are blocked in the same manner.

Duane Harp, Helena National Forest, stated that as he explained in his letter, this is not their work, so someone did put this there. This is a concern. Also, his offer still stands to meet and drive up there discuss specific issues and review the roads. Commissioner Notbohm stated that he has to respectfully disagree. Duane stated that he checked on the Rowe Gulch Road, and was told that the Forest Service did not block this road. Duane stated that he does intend to follow up on this, and he has the feeling that some people have been doing some work up there without Forest Service permission. Commissioner Notbohm stated that there were uniformed Forest Service people up there. Duane stated that on some of the roads, that is correct. He explained everything in his letter of response. The closure notice does allow for emergency travel, and we need to accommodate that as best we can. He feels that it is best to look at these roads on a case-by-case situation. They have gone back and re-opened some of the trails and roads that had been closed completely to allow for horse travel. This has been an awful summer for fires, so they are still trying to get caught up. Duane stated that he would like to come back with a detailed map and point out the roads and trails that are slated to be closed and those that have been closed.

Commissioner Weber asked if the VFD and Search and Rescue would be interested in going out and driving the area with the Forest Service. The Commission would also like to be involved. The other thing that he would request is that, if they could, bring some easement applications when bring out the maps so that the county can discuss managing roads, etc. His feeling is that this is the only way to stay out of court that would allow the County to partner with the Forest Service on these roads. Duane stated that he will work to try to find a date within the next 30 days for all parties to meet. Duane said that he will bring someone along that would be able to deal with easements.

Larry Bloxom stated that part of letter stated not to remove any blockage without Forest Service supervision and approval; that being the case, can they assume that there was Forest Service

approval to block the road. He also asked what will happen if the fire department does clear those roads. Duane answered that he doesn't want to conjecture, and he certainly doesn't want to get in that situation. They understand the concerns, and need to address them as soon as they can. He would suggest that they wait until they get on the ground and discuss what will be the appropriate measures. As far as the people that might have done this, obviously they don't know who those people are. It was done without Forest Service permission and it is not a legal thing to do. Commissioner Lythgoe stated that if that truly is the case, the Forest Service was not involved, then why do they care if a group of people start opening up those roads. If you didn't do it, then why do you care. Duane stated that the roads are closed as part of the Clancy/Unionville decision and the travel closure order. What they want to be careful of, if they do something that would "encourage people to use those routes", they would still be closed. Commissioner Lythgoe stated that his point is, if they didn't do it and this isn't how they close roads, and we feel that there needs to be access for obvious health, safety and welfare reasons, we clear them out, because of the plan that is in place, you feel that they should be closed, then the Forest Service should close roads in an appropriate way, such as a gate attached to a fence and keys given to emergency services. Commissioner Weber stated that he would like to interject that emotionally, he agrees with everything that Commissioner Lythgoe is saying, but as a Commissioner, if we found someone doing something in an inappropriate way on a county road, we would be in the same position. He understands the position that it is inappropriate for us to go in and do this, it was inappropriate for whoever did this to do it, and he assumes that if the Forest Service found out who blocked the roads they would pursue it in a legal fashion. Duane stated that this is correct. Commissioner Notbohm stated that all of those roads are county roads. He and Commissioner Lythgoe took a tour with a forester a couple years ago, he enumerated each and every closure that they saw, and the forester indicated that Forest Service did the closure. Duane stated that the best thing to do is to discuss this on the ground. They definitely did close some roads with debris and rocks, but he asked specifically and was told that this was not the case on Rowe Gulch.

Commissioner Weber asked if BLM should also be involved. Duane stated that he is not sure. Commissioner Weber stated that when looking at the maps and setting the meeting, if he sees an area where BLM should be involved, that he please invite them also. Commissioner Lythgoe stated that they met with BLM recently and they were very favorable of the easement process. Commissioner Weber stated that it is the only way to stay out of court. The BLM wasn't sure what the Forest Service process is on this, but they did have the feeling that more steps are involved. Duane stated that he can get someone there to explain the process. Commissioner Lythgoe stated that he would agree with Commissioner Weber in that we have no business in encroaching on roads without some conversation with the Forest Service on this. Commissioner Lythgoe asked if the Forest Service has encroachment permits. Duane stated that they have right-of-way and easements. Brent Farrell stated that he would like to see this taken care of before the next fire season. Commissioner Lythgoe stated that this is something that the Commission has been concerned with for several years now. We all would like to see this get resolved.

DISCUSS AND DECIDE ON CONTRIBUTING \$1000 TO ASSIST WITH ROADLESS LITIGATION IN WYOMING

Commissioner Weber stated that this stems from an e-mail that went out basically from the October 9, 2007 minutes

Forested and Hard Rock Mining Counties through MACo. We have been asked to file an intervention to the nationwide resurrection of the Clinton Roadless Rule. They are requesting help for Wyoming in a nation-wide injunction of implementation of Clinton Roadless Rule. Wyoming is attempting to have the Clinton Roadless rule set aside nationwide. The Clinton Roadless rule was resurrected by a judge in California when the Bush Roadless rule was invalidated. When Bush's attempt at legislation in how to deal with the forest was overturned because no EIS had been done, it then reverted back to the Clinton roadless rule, which also was not done with an EIS attached. Because of this, the state of Wyoming has attempted to get an injunction from going back to that also. Commissioner Weber stated that he thinks it has the potential to impact Jefferson County as we do have roadless areas under the Clinton rule. This is something that we have been pursuing fairly actively for several years. Commissioner Notbohm stated that he thinks it is a pretty inexpensive way for Jefferson County to get the recognition that states our standing; he feels that this is a good idea. Commissioner Lythgoe stated that he agrees. Commissioner Weber moved that we contribute \$1,000 from PILT to the Wyoming effort in overturning the Clinton Roadless Rule. Commissioner Notbohm seconded. The motion carried.

DISCUSS AND DECIDE ON FLOATING A LOAN TO PAY THE CONTRACTOR FOR SERVICES ON THE SADDLE MOUNTAIN RID UNTIL THE SALE OF THE BONDS

Commissioner Weber stated that the final sale of the bonds would be mid-November. This would pay Gruber Excavating \$167,798.84 as a floating loan until mid-November. This represents approximately 56% of completion of the project. This is due to a weather-induced shut-down of the project. Commissioner Notbohm asked if the request has been approved by the engineer. Commissioner Weber stated that it has. Commissioner Lythgoe moved that we take a loan against the general fund and pay this amount to Gruber Excavating. He just spoke to Bonnie, and she said that this would be appropriate. Commissioner Weber seconded. The motion carried.

RESOLUTION 36-2007 CALLING FOR THE SALE OF BONDS FOR THE SADDLE MOUNTAIN RID

Commissioner Lythgoe moved to adopt Resolution 36-2007. (Resolution on file in the Clerk and Recorder's office.) Commissioner Notbohm seconded. The motion carried.

CANCEL MEETING OF OCTOBER 16, DUE TO UNAVAILABILITY OF MEETING SPACE

Commissioner Weber stated that the County Attorney's office is having a very intense trial starting on the 16th, as well as a trial in Justice court. All the accessible rooms in the Courthouse will be in use. Commissioner Weber moved to cancel the meeting. Commissioner Notbohm seconded. The motion carried.

APPOINT BOARD MEMBER

Commissioner Lythgoe moved to appoint Ray Barnicoat to the Solid Waste Board. Commissioner Weber seconded. The motion carried with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

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OPPORTUNITY FOR PUBLIC COMMENT

Larry Bloxom stated that they would like to thank the Commission for their support in trying to get the roads cleared. Commissioner Weber returned the thanks; sometimes it seems like we are climbing uphill on this issue. Commissioner Notbohm noted that the Forest Service likes the Fire Department more than us. Commissioner Lythgoe stated that they did get the Forest Service's attention, which we haven't been able to do. When the potential to have fires like we had the potential this year, they listened to the fire department more than they listen to the Commission. Commissioner Lythgoe stated that if we can join forces on this issue, he thinks we may possibly get somewhere as far as getting that debris removed. There is a lot of debris, and those pictures really didn't do justice to some of the closures that are out there and some of the debris piles that are 50 yards long.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER